

ARIZONA HOUSE OF REPRESENTATIVE  
54<sup>th</sup> Legislature – First Regular Session

HOUSE AD HOC COMMITTEE ON EARNED RELEASE CREDITS FOR PRISONERS

Report of Interim Meeting  
Monday, September 9, 2019  
House Hearing Room 4 – 10:00 A.M.

Convened 10:01 A.M.  
Recessed  
Reconvened  
Adjourned 12:15 P.M.

MINUTES RECEIVED  
CHIEF CLERK'S OFFICE  
9-10-19

Members Present

Representative Walter Blackman, Chair  
Representative Reginald Bolding, Jr.  
Representative Shawna Bolick  
Representative Diego Espinoza  
Representative Tony Rivero  
Representative Bret Roberts  
Representative Diego Rodriguez  
Representative Ben Toma, Vice Chair

Members Absent

Representative Domingo DeGrazia (exc)

Agenda

Original Agenda – Attachment - 1

Committee Attendance

Report – Attachment - 2

Presentations

<u>Name</u>	<u>Organization</u>	<u>Attachments (Handouts)</u>
Lindsay Herf	Arizona Justice Project	3
Rebecca Baker	Maricopa County Attorney's Office	4
Ken Volkmer	Pinal County Attorney	5
Kathryn Blades	Arizona Board of Executive Clemency	6
Tony Espree	Citizen	None
Steve Barclay	FWD.US	7
Derek Chen	FWD.US	8

  
\_\_\_\_\_  
Committee Secretary  
September 10, 2019

Convened: 10:30 am  
Adjourned: 12:15 pm

REVISED - 09/09/19

REVISED - 09/09/19

REVISED - 09/09/19

Interim agendas can be obtained via the Internet at <http://www.azleg.gov/Interim-Committees>

## ARIZONA STATE LEGISLATURE

### INTERIM MEETING NOTICE OPEN TO THE PUBLIC

#### HOUSE AD HOC COMMITTEE ON EARNED RELEASE CREDITS FOR PRISONERS

Date: Monday, September 9, 2019

Time: 10:00 A.M.

Place: HHR 4

#### AGENDA

1. Call to Order
2. Presentations:
  - Lindsay Herf, Arizona Justice Project
  - Rebecca Baker, Maricopa County Attorney's Office
  - Kent Volkmer, Pinal County Attorney
  - Kathryn Blades, Executive Director, Arizona Board of Executive Clemency
  - Tony Espree
  - ~~Patricia Borden, Arizonans for Rational Sex Offense Laws~~
  - Steve Barclay, FWD.us
3. Committee Discussion
4. Adjourn

#### Members:

Representative Walter Blackman, Chair  
 Representative Reginald Bolding, Jr.  
 Representative Shawwna Bolick  
 Representative Domingo DeGrazia  
 Representative Diego Espinoza  
 Representative Tony Rivero  
 Representative Bret Roberts  
 Representative Diego Rodriguez  
 Representative Ben Toma, Vice Chair

9/9/19  
RCA

People with disabilities may request reasonable accommodations such as interpreters, alternative formats, or assistance with physical accessibility. If you require accommodations, please contact the Chief Clerk's Office at (602) 926-3032 or through Arizona Relay Service 7-1-1.

**ARIZONA STATE LEGISLATURE**  
Fifty-fourth Legislature – First Regular Session

**INTERIM COMMITTEE ATTENDANCE RECORD**

COMMITTEE ON HOUSE AD HOC COMMITTEE ON EARNED RELEASE CREDITS FOR PRISONERS

CHAIRMAN: Walter Blackman VICE-CHAIRMAN: Ben Toma

DATE	8/5/19	9/9/19	/19	/19	/19
CONVENED	am	10 <sup>01</sup> AM			
RECESSED		12 <sup>15</sup> PM			
RECONVENED					
ADJOURNED					
MEMBERS					
Representative Reginald Bolding, Jr		✓			
Representative Shawna Bolick		✓			
Representative Domingo DeGrazia		-Exc-			
Representative Diego Espinoza		✓			
Representative Tony Rivero		✓			
Representative Bret Roberts		✓			
Representative Diego Rodriguez		✓			
Ben Toma, Vice-Chairman		✓			
Walter Blackman, Chairman		✓			

√ Present      --- Absent      exc Excused

## Earned Release Credits For Prisoners Ad Hoc Committee

- Intent of Ad Hoc Committee

*“the committee shall study, gather input, and develop recommendations regarding the earned release credit system for prisoners, specifically whether and how the system could be reformed to allow additional credits to be earned by prisoners.”*

- Earned release credits do not apply to individuals with a “Life” sentence

A “Life” sentence in Arizona

**Conflict in statutes**

↙ ↓ ↘

**Confusion by courts, prosecutors, defense attorneys**

↙ ↓ ↘

**Unclear sentences**

↙ ↓ ↘

**Resulting in litigation**

■ **1973-1985**

Life, *without possibility of parole* until the completion of 25 years  
A.R.S. § 13-453

■ **1985**

Life, without possibility of parole RELEASE ON ANY BASIS until the completion of 25 years

“Release” encompassed various mechanisms: Parole was the most common. See A.R.S. § 41-1604.09.

■ **1993**

Addition of A “Natural life” sentence - not eligible for commutation, parole, work furlough, work release, or release from confinement on any basis. See A.R.S. § 13-703(A)

A “Life” sentence remained (same statutory language since 1985)

■ **1993**

Legislature *eliminated parole* under Title 41 for crimes committed after January 1, 1994. ***But, Title 13 (criminal code) still contained references to parole***

19           The law gives me two choices and only two  
20           choices. I can either sentence you to spend your  
21           entire life in prison or I can sentence you to a  
22           life sentence that allows the parole board to  
23           consider you for parole after 25 years. It makes

# Conundrum ... over the last 25 years

- Since 1994, 500+ individuals have been given a “***Life***” sentence
  - Not natural life
  - “Release” mechanism is unclear
  - These individuals are not being certified for parole
    - Exception: juveniles and some who pled guilty
- Type of Crime:
  - Non-homicide offenses
    - Eg. – Aggravated assault conviction from a bar fight
    - Number of cases currently unknown
  - Homicide offenses
    - Including accomplice and felony murder

## What does this mean?

- If “release” only means commutation of sentence, these individuals are serving *de facto* natural life sentences.
- Commutation is not parole and does not provide a meaningful opportunity for release.

# Costs: Financially & Morally

- Estimated Costs of Continued Incarceration:
    - 500+ defendants
    - \$26,000 / year in ADC
      - $\$71.13 \times 365 \text{ days} = \$25,962.45 / \text{year}$
    - \$351,000,000 on continued incarceration
      - $\$26,000 \times 27 \text{ year life expectancy} = \$700,000$
      - $\$700k \times 500 \text{ people} = \$351,000,000$
  - Court / Litigation costs for hundreds of cases
- Moral & Psychological Effect
- Behavioral incentive
  - Working toward a goal
  - Rehabilitation efforts
  - Family reconnection
- Having a meaningful opportunity for eventual release

## What Can Be Done?

Reinstate parole eligibility for “Life” sentences

- This legislature has *already* reinstated parole eligibility for:
  - **Juvenile offenders with a Life sentence - ARS 13-716 (2014)**
  - **Adults who pled guilty to murder - ARS 13-718 (2018)**
- Parole eligibility does not guarantee release – it provides an opportunity for release through the parole process
- Parole Board can put conditions on release

# In the end....

- 19,000 individuals are released from ADC back into the community each year
  - 20 people eligible / year
    - 500 people over 25 years
  - 5 or fewer would be paroled
    - 1 in 4 average paroled / year
  - Parole has conditions and oversight
  - Lower recidivism: 45 years and older - having served at least 25 years



## Questions/ Contact

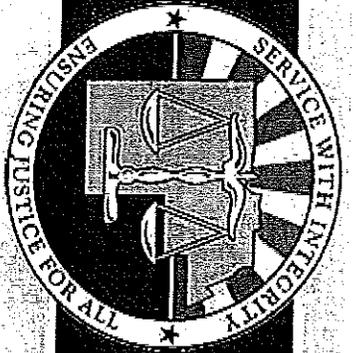


Lindsay Herf - 602.496.0285

Katie Puzauskas - 480.965.2874

Shawnee Ziegler - 602.496.0573

#31



# Criminal Justice Overview

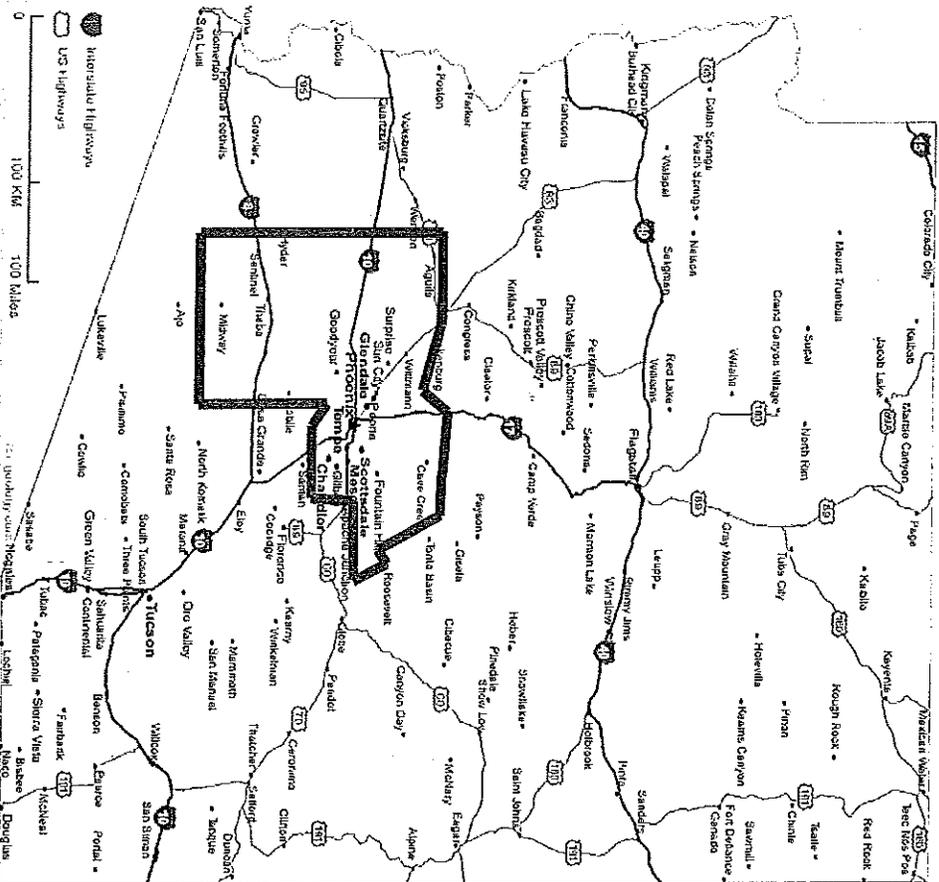
## House Ad Hoc Committee on ERC for Prisoners

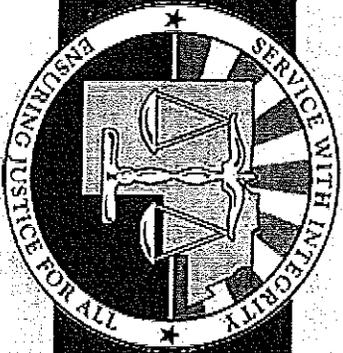
September 9, 2019



# Maricopa County

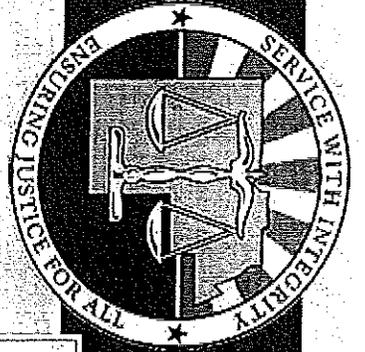
- Fourth Largest County in the US
- 4.4 million people
- Covers 9,200 miles
- Southwest Corner 30 miles from Mexican Border
- Arizona Main Thoroughfare for Drug Trafficking





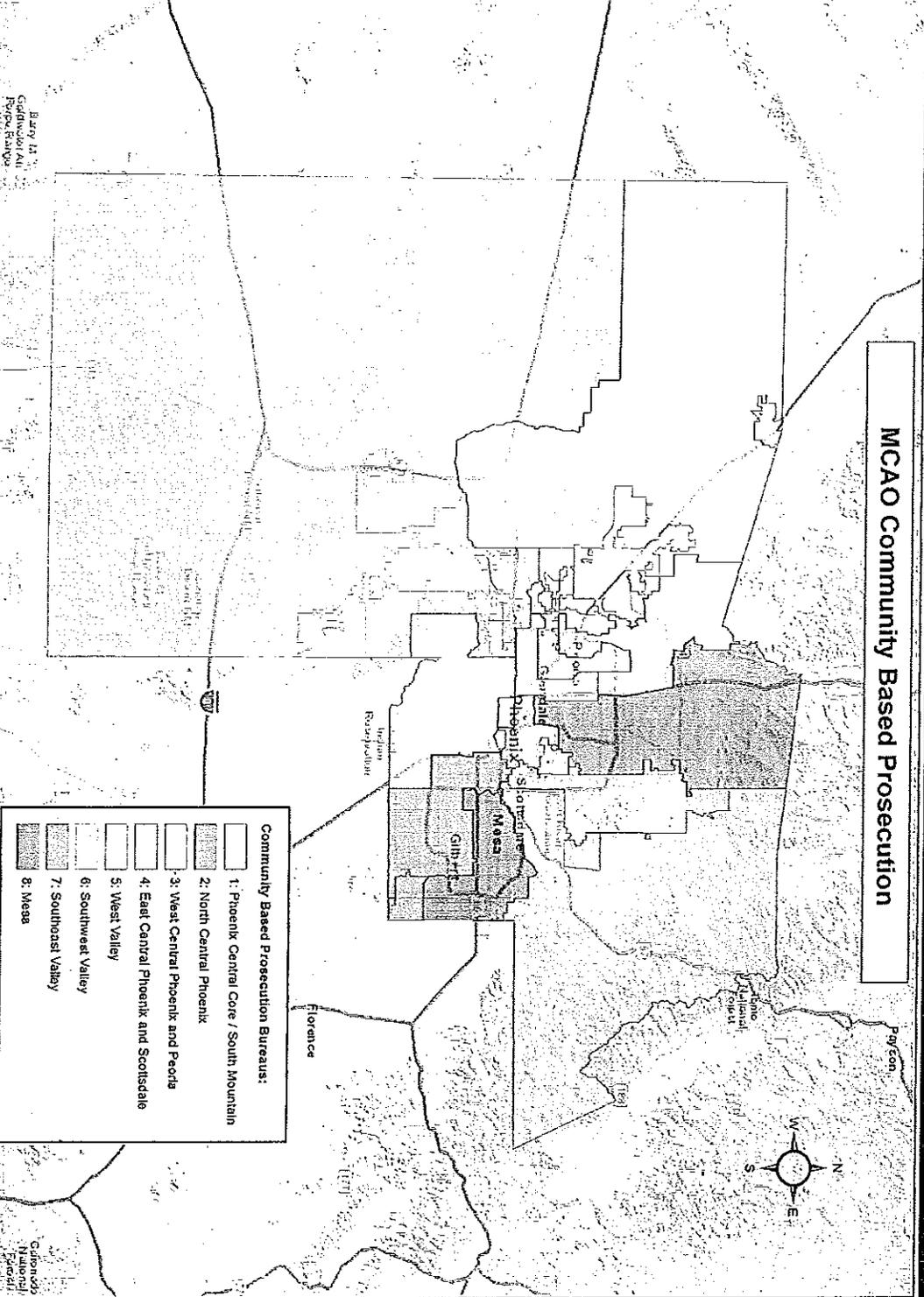
## **Maricopa County Attorney's Office**

- MCAO is the third largest prosecution office in the US
  - 350 Prosecutors
  - 45 Civil Attorneys
  - 50 Sworn Investigators
  - 600 other staff, including advocates, paralegals, secretaries, IT, etc.



# Community Based Prosecution

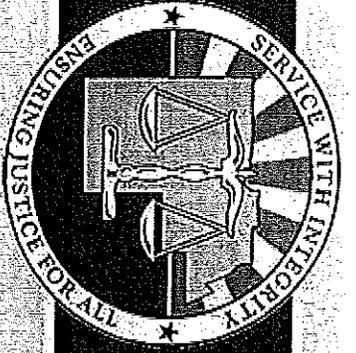
## MCAO Community Based Prosecution



- Community Based Prosecution Bureaus:**
- 1: Phoenix Central Core / South Mountain
  - 2: North Central Phoenix
  - 3: West Central Phoenix and Peoria
  - 4: East Central Phoenix and Scottsdale
  - 5: West Valley
  - 6: Southwest Valley
  - 7: Southeast Valley
  - 8: Mesa

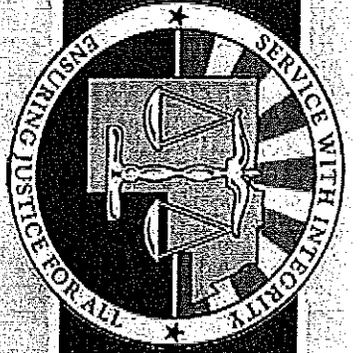
MCAO Research & Planning, Updated: 10/1/2017  
 -Orange Park

Sources: Esri, HERE, DeLorme, USGS, Intermap, INCREMENT P, NRCA, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), MapmyIndia, NGCC, © OpenStreetMap contributors, and the GIS User Community



# Filed Charges

Disposition	2017	2018
Pled	56,478	45,440
No Current Disposition	12,469	31,739
Dismissed	4,915	2,997
Not Filed	3,619	3,642
Guilty	544	163
Not Guilty	184	55
Furthered	173	151
Refused	61	124
Other	7	65
Deferred Prosecution	0	0



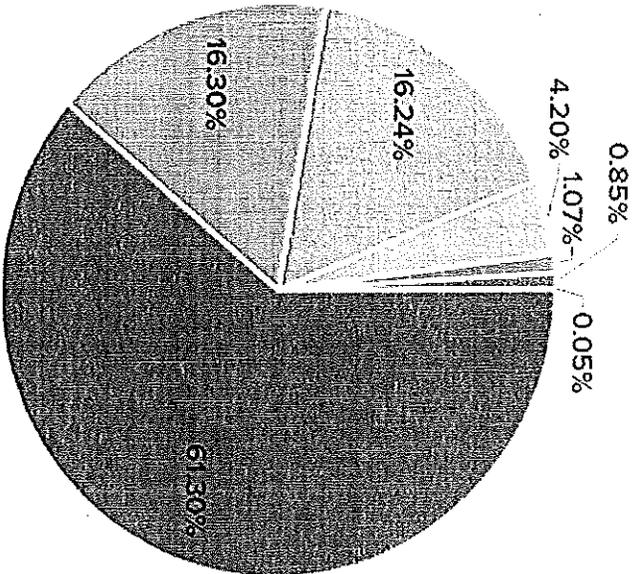
# Filings

## Filed Defendants by Race and Year 2017 – 2018

2017

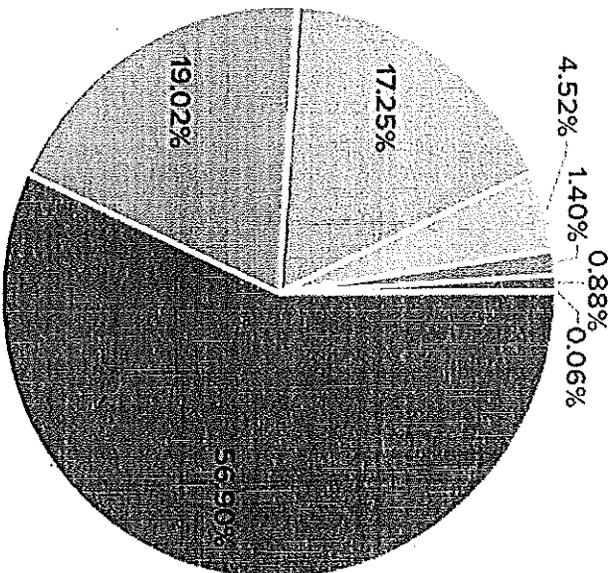
Male 78.1%  
Female 21.9%

2017



2018

2018  
Male 77%  
Female 23%

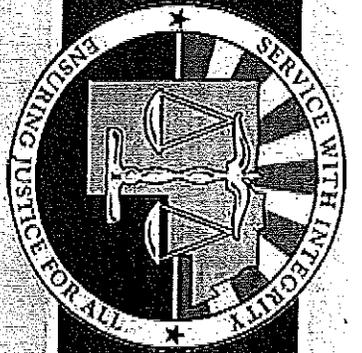


- White/Caucasian
- Hispanic/Latino
- Indian-American/Alaska Native
- Native Hawaiian/Pacific Island
- Black/African American
- Other
- Asian



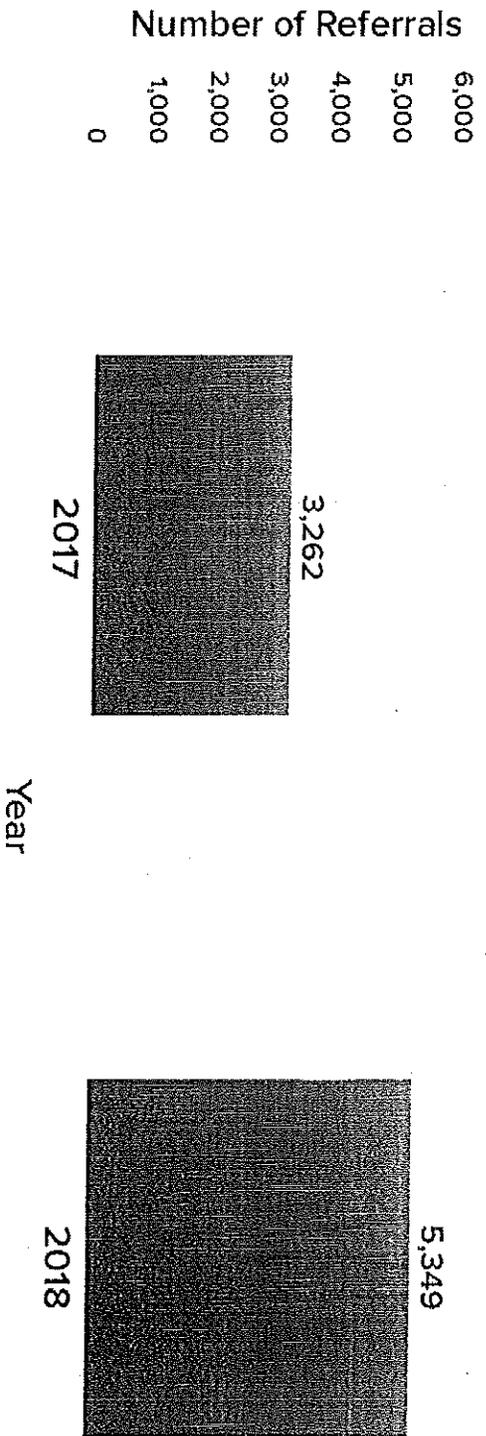
## **Diversion Programs**

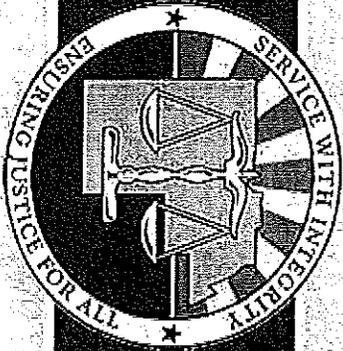
- **MCAO diversion programs:**
  - Drug Diversion
  - FPIP / FPIP-SMI
  - Juvenile Diversion Program
  - Parenting Skills Diversion
  - Justice Court Diversion
  - Check Enforcement
  - Animal Abuse Diversion



# Diversion Programs

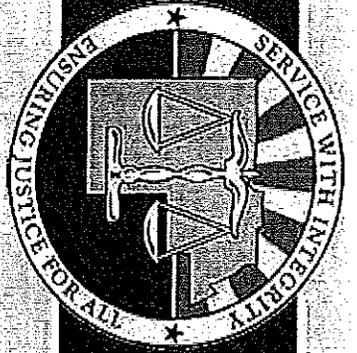
## Number of Referrals to Deferred Prosecution





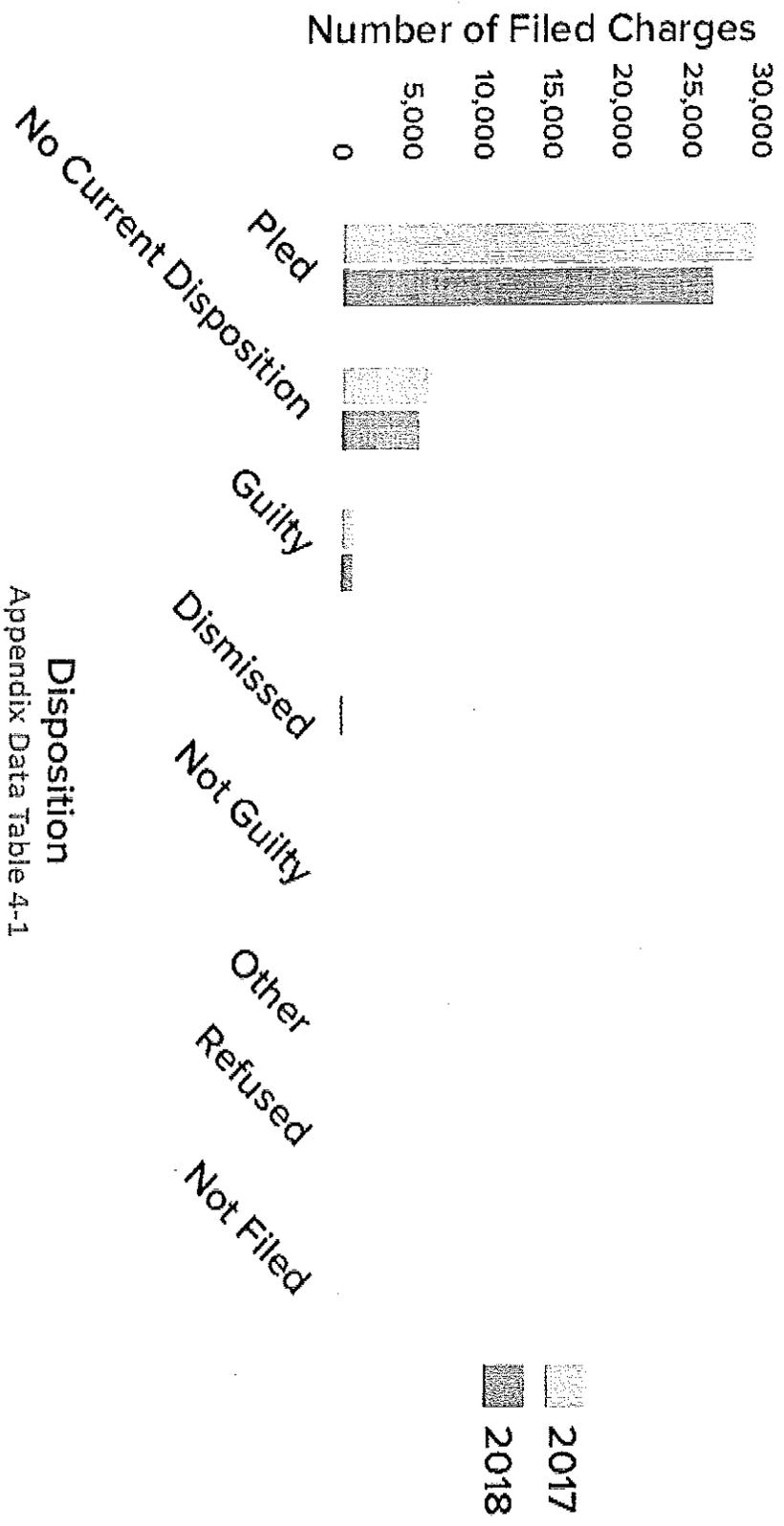
## **Substance Offenders/ Deferred Prosecution**

- July 1, 2017 to June 30, 2018: 3,073 Drug Diversion matters with 70% successful completion
- 497 FPIP Successful Participants to date
  - 4.4% Recidivism Rate over term of program (7/1/15 – 5/31/19)

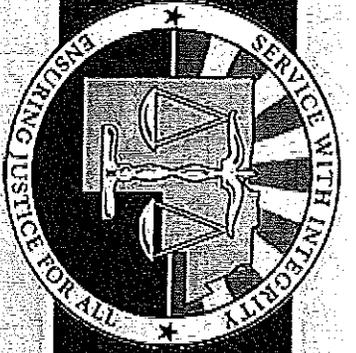


# Sentenced Cases

## Sentenced Charges by Disposition and Year 2017 – 2018



Appendix Data Table 4-1



# Sentenced Cases

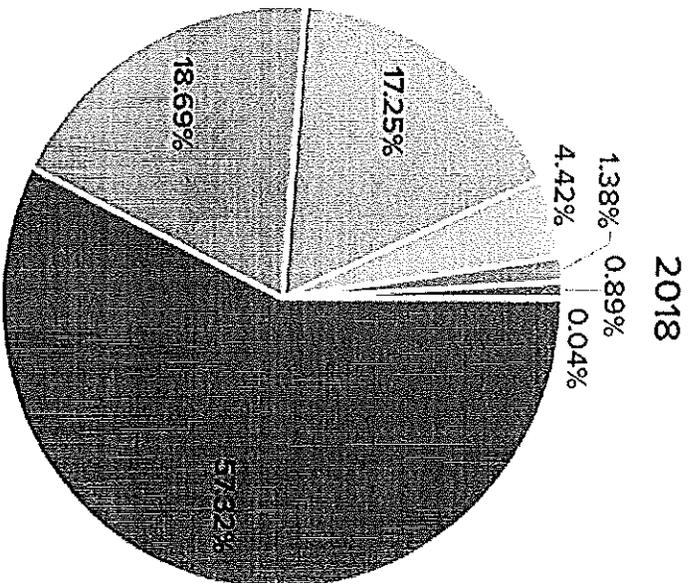
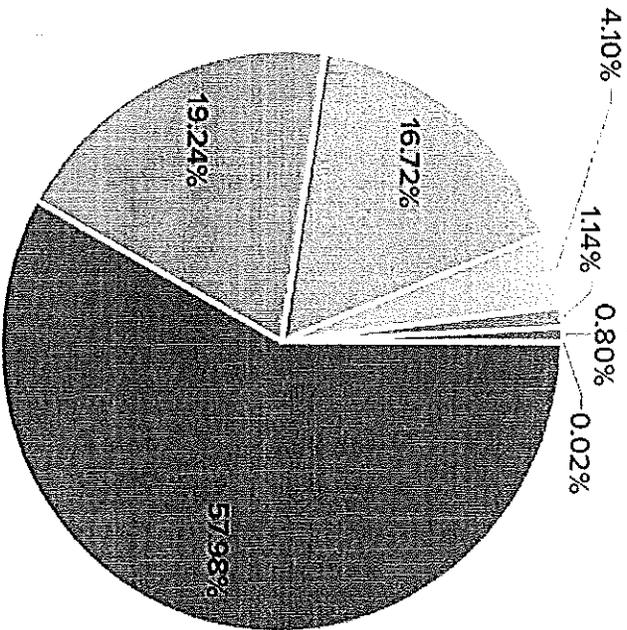
Sentenced Defendants by Race and Year 2017 – 2018

2017

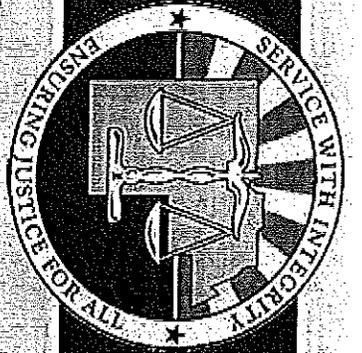
Male 78.4%  
Female 21.6%

2018

Male 77.3%  
Female 22.7%

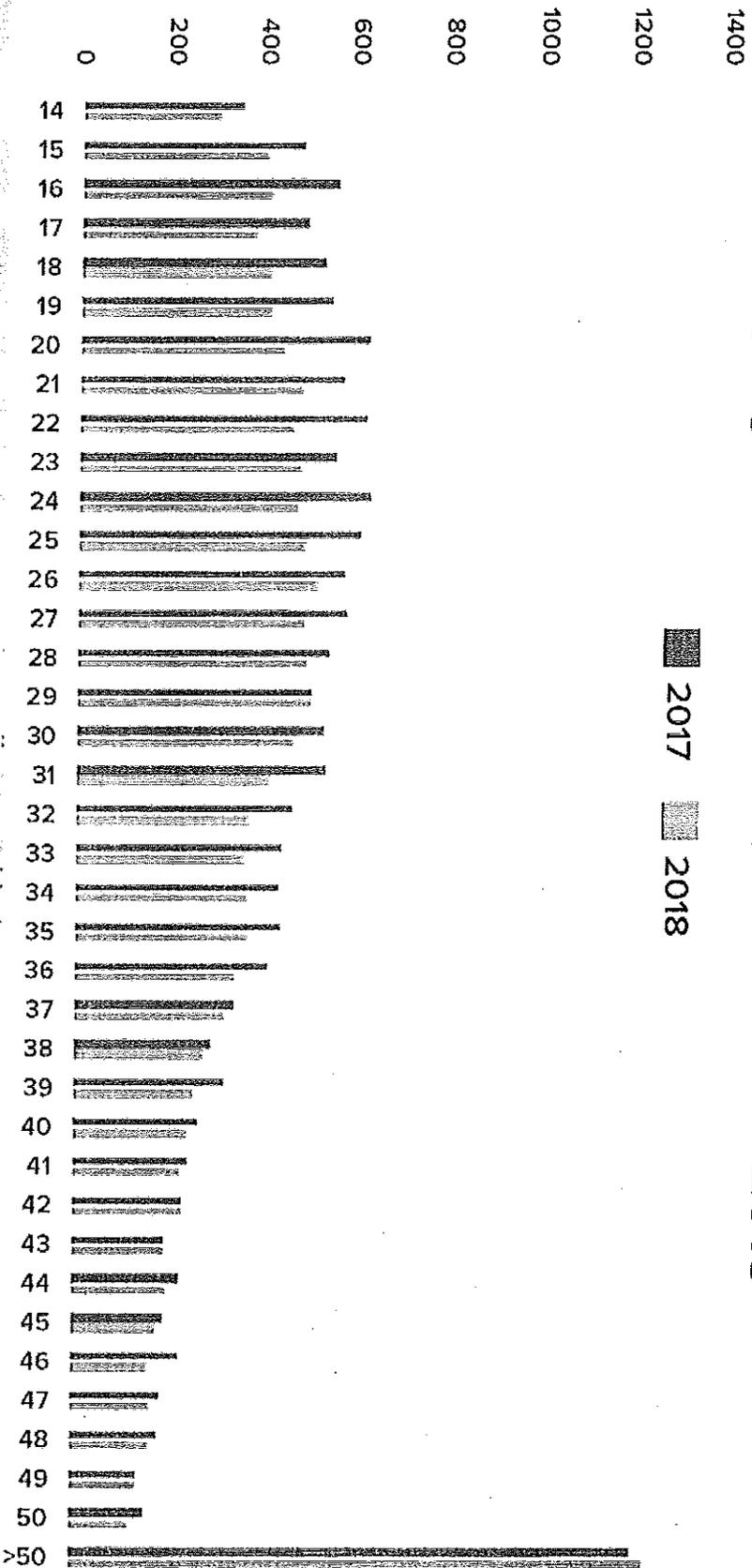


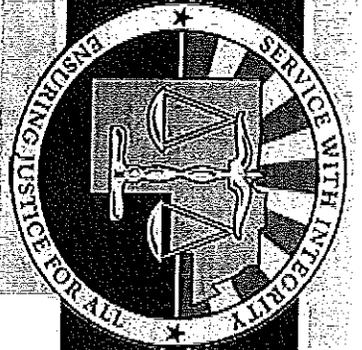
- White/Caucasian
- Hispanic/Latino
- Black/African American
- Indian-American/Alaska Native
- Other
- Native Hawaiian/Pacific Island
- Asian



# Sentenced Cases

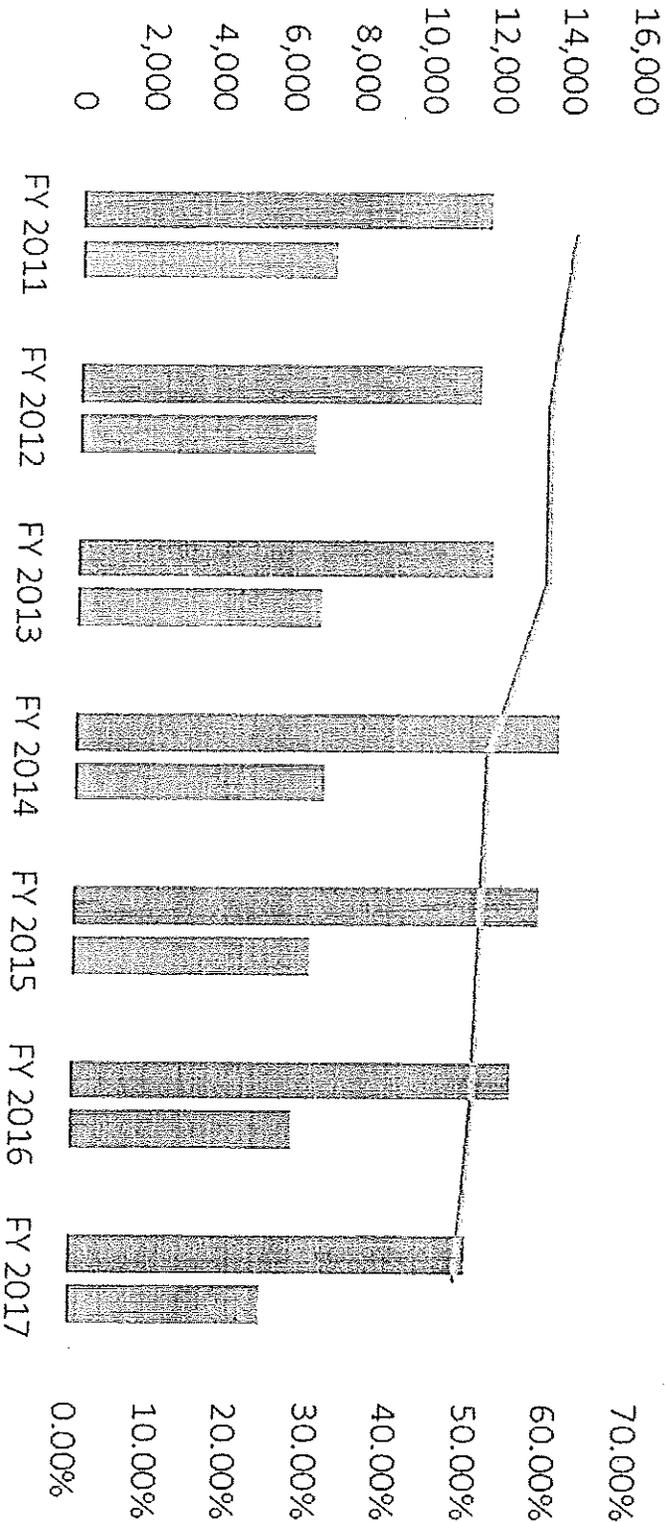
## Sentenced Defendants by Age at Offense and Year 2017 - 2018





# State/County Commitment Comparison

Felony DOC/DJC Commitments



Felony DOC/DJC Commitments

	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017
Statewide	13,093	11,758	11,500	11,940	13,865	13,341	12,601	11,430
Maricopa County	8,004	7,288	6,788	7,031	7,181	6,807	6,357	5,550
MC Percentage	61.13%	61.98%	59.03%	58.89%	51.79%	51.02%	50.45%	48.56%

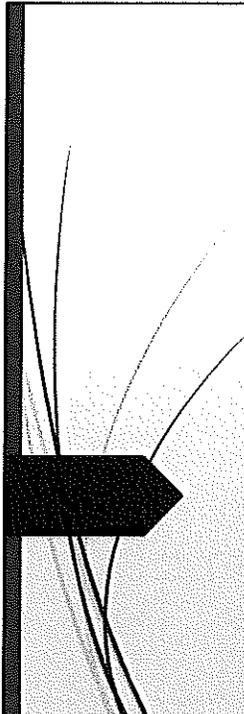


# Prisoners in Arizona 2017

## Who is in Prison?

Inmate Category	March 31,		August 31,		June 30,		
	2011 Population		2013 Population		2017 Population		
Violent Offender	26,771 (66.9%)	27,979 (68.9%)	28,558 (68.1%)	Non-Violent Offender	13,228 (33.1%)	12,623 (31.1%)	13,377 (31.9%)
Repeat Offender	32,878 (82.2%)	33,766 (83.2%)	35,325 (84.2%)	First Offender	7,121 (17.8%)	6,836 (16.8%)	6,610 (15.8%)
Repeat Violent Offender	7,805 (19.5%)	8,966 (22.1%)	10,290 (24.5%)	Violent Repeat Offender	14,113 (35.3%)	14,330 (35.3%)	13,755 (32.8%)
Violent Repeat Offender	14,113 (35.3%)	14,330 (35.3%)	13,755 (32.8%)	Violent First Offender	4,853 (12.1%)	4,683 (11.5%)	4,513 (10.8%)
Non-Violent Repeat Offender	10,960 (27.4%)	10,470 (25.8%)	11,280 (26.9%)	Non-Violent Repeat Offender	10,960 (27.4%)	10,470 (25.8%)	11,280 (26.9%)
Non-Violent First Offender	2,268 (5.7%)	2,153 (5.3%)	2,097 (5.0%)	Violent and/or Repeat Offender	37,731 (94.3%)	38,449 (94.7%)	39,838 (95.0%)
<b>Total</b>	<b>39,999 (100.0%)</b>	<b>40,602 (100.0%)</b>	<b>41,935 (100.0%)</b>				

<http://azsentencing.org/prisoner-reports>



# Ad Hoc Committee on Earned Release Credits

Pinal County Report  
Presented by Kent Vokmer



## PCAO Personnel Report

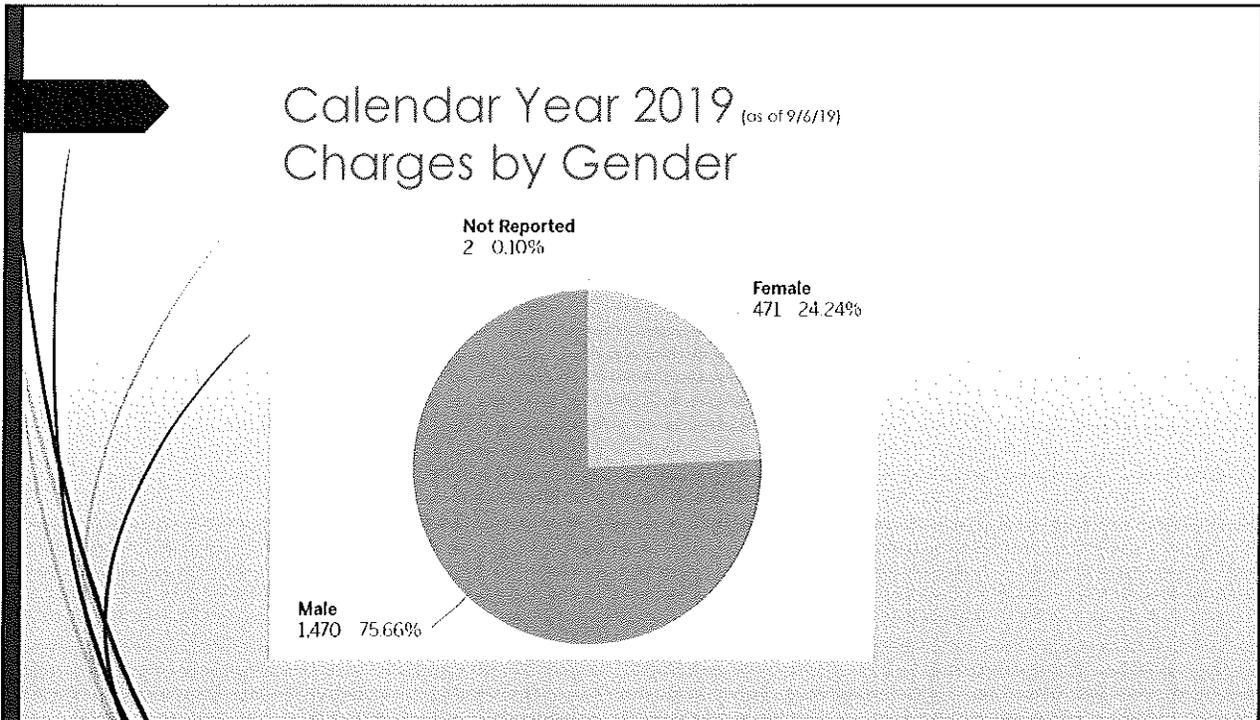
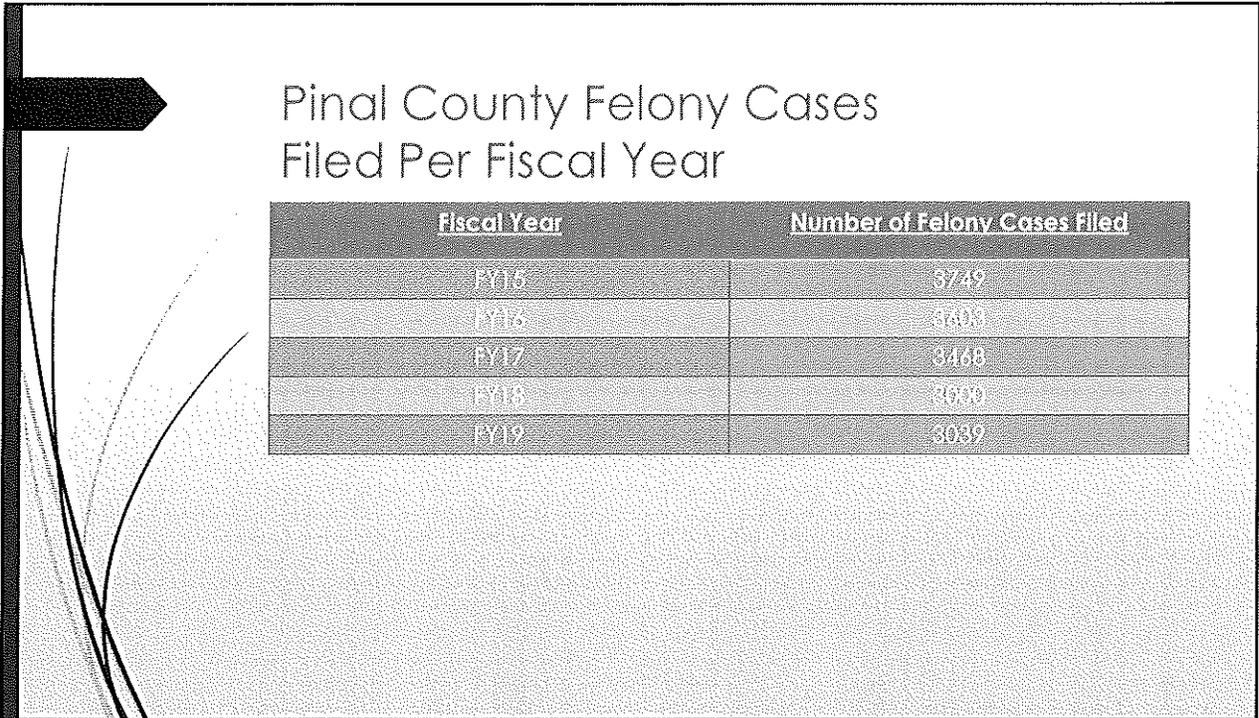
	<u>Actual</u>	<u>Fully Staffed</u>	<u>Ideal</u>
➤ Criminal Deputy County Attorneys-	33	33	38 (+5)
➤ Paralegals-	12	12	14 (+2)
➤ Support Staff	21	21	26 (+5)
➤ Case Loads			
➤ Major Crimes	40~		
➤ Trial Bureau	50~		
➤ Drug Bureau	35~		- handle ~40% of all cases
➤ Justice Court	500~		
➤ Juvenile	250~		
➤ Appeals	230~		

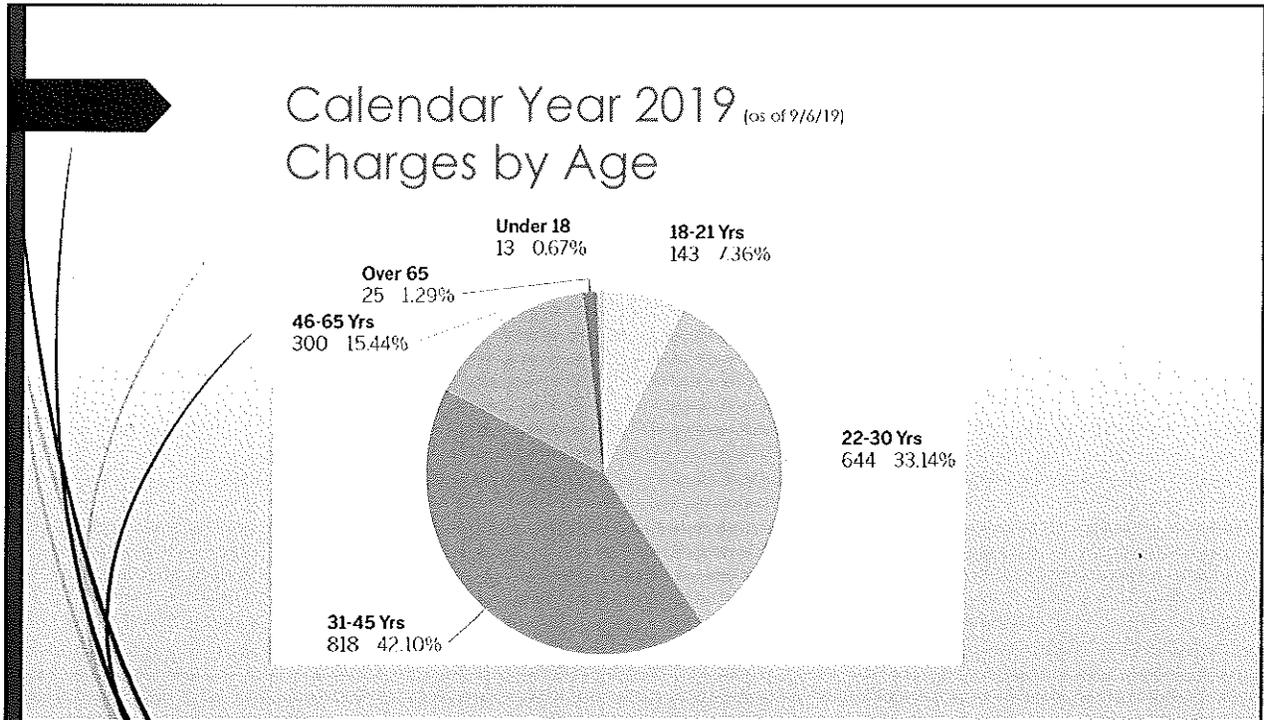
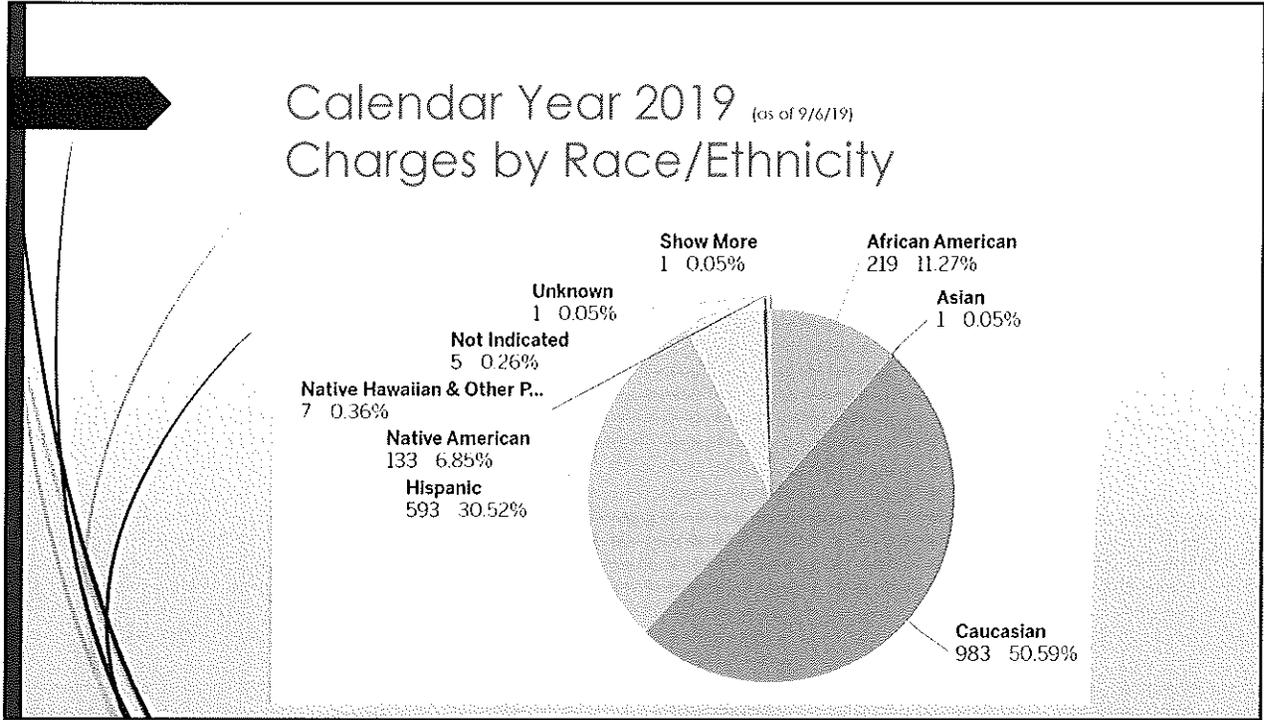
## Pinal County Superior Court Felony Filings – FY 2018

Case Type	# of Filings	Case Type	# of Filings
Homicide	20	Drug- Poss/Para	1,021
Sex Offense	71	Drug- Sales	202
Kidnapping	39	Weapons	56
Robbery	54	Public Order	82
Agg Assault	326	Motor Vehicle- DWI/DUI	147
Other Assaults	36	Motor Vehicle - Serious	8
Burglary	206	Motor Vehicle - Other	46
Auto Theft	70	Other Felony / U	197
Other- Property	419	Total Felonies Filed	3000

## Pinal County Superior Court Felony Filings – Calendar 2019 (as of 9/6/19)

Case Type	# of Filings	Case Type	# of Filings
Homicide	9	Drug- Poss/Para	674
Sex Offense	38	Drug- Sales	78
Kidnapping	14	Weapons	43
Robbery	31	Public Order	54
Agg Assault	236	Motor Vehicle- DWI/DUI	143
Other Assaults	37	Motor Vehicle - Serious	n/a
Burglary	57	Motor Vehicle - Other	n/a
Auto Theft	54	Other Felony	170
Other- Property	305	Total Felonies Filed	1943





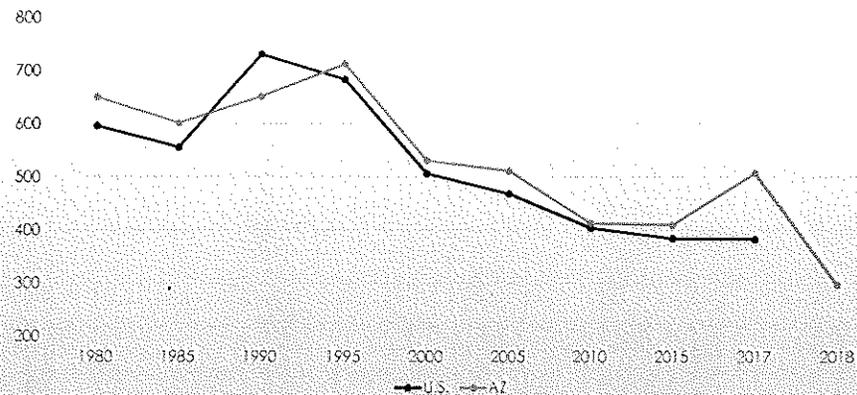
## Deferred Prosecution Programs FY2019

► Pinal County uses our In-House Diversion Team to execute all deferred prosecution programs

- Total Referrals 539
  - Misdemeanor- 472 (of Approximately 2500 charges brought to date ~19%)
  - Felony- 67 (of 1943 charges brought to date ~ 3.4%)

Age at time of Referral	FY18	FY19
18-21	208	186
22-30	136	160
31-45	80	129
46-65	48	54
65+	7	9
Other/Unknown	6	1

## Historic Violent Crime Rate For AZ and US



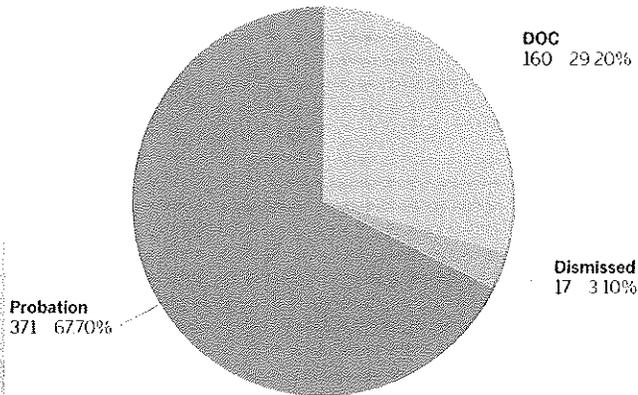
## Is Pinal County Safe?

County	Population*	Index Crimes**	Ratio (per 10,000)
Pinal	427,603	7,143***	167
Maricopa	4,221,684	146,619	347
Pima	1,026,099	44,941	438
Yavapai	225,364	4,856	215
Yuma	221,648	4,947	223

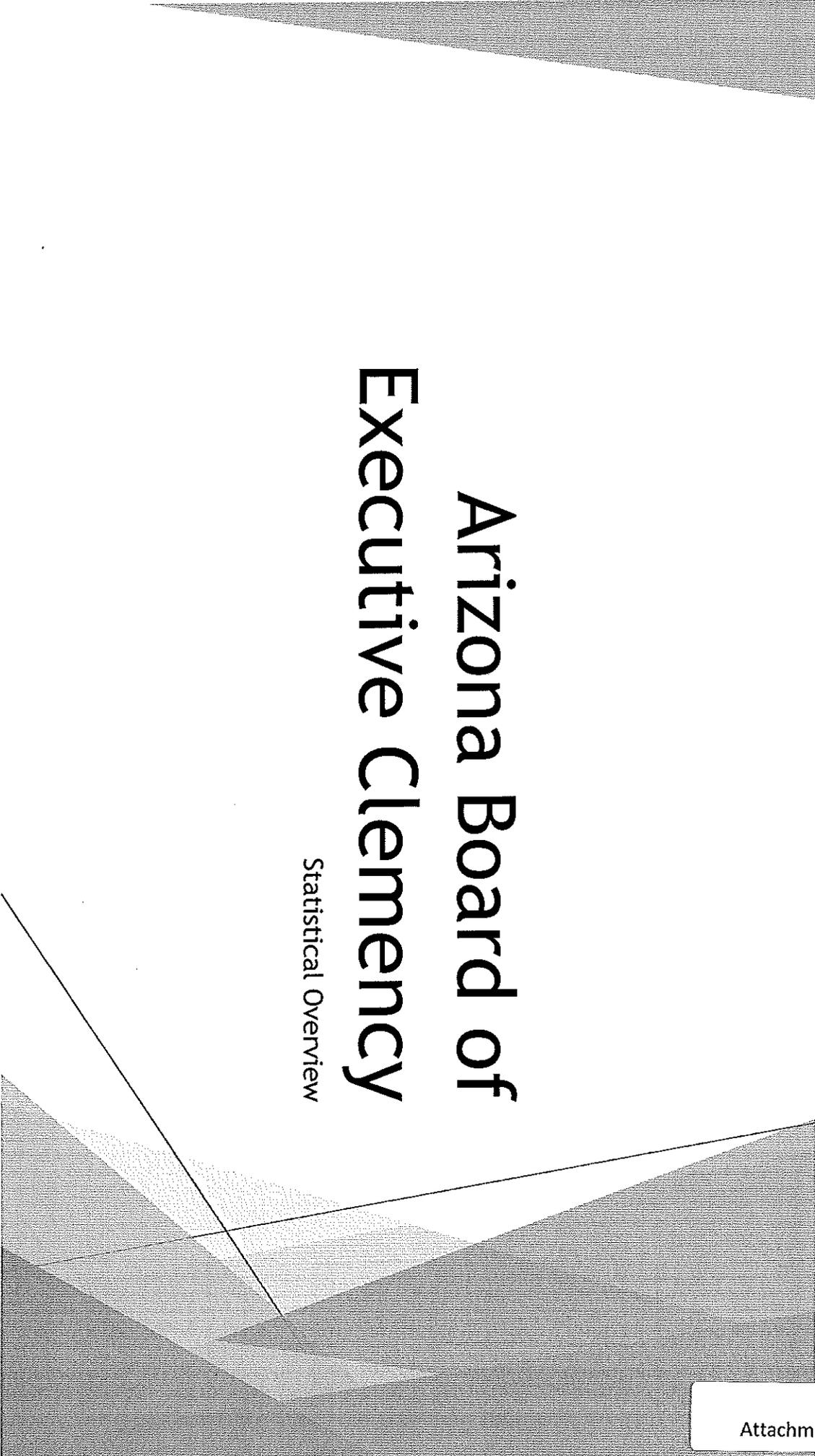
\* These figures were taken from AZ.gov's July 2017 population estimates  
 \*\* These numbers were taken from AZDPS's Crime in Arizona 2017, and defined as:  
 Murder, Rape, Robbery, Agg Assault, Burglary, Theft, Vehicle Theft, Arson & Trafficking  
 \*\*\* Uses corrected and verified CGPD statistics

Year	US Rate
2010	335
2011	329
2012	326
2013	311
2014	297

## 2019 Case Dispositions



Contact info: [keni.volkmer@pinalcountyaz.gov](mailto:keni.volkmer@pinalcountyaz.gov)  
 (520) 866-6320



# Arizona Board of Executive Clemency

Statistical Overview

# Board Overview

- ▶ 5 full time Board members
  - ▶ Appointed by the Governor, confirmed by Senate
  - ▶ State Employees, benefits, ASRS
  - ▶ Each member shall be appointed on the basis of broad professional or educational qualifications and experience and shall have demonstrated an interest in the state's correctional program. No more than two members from the same professional discipline shall be members of the board at the same time.
- ▶ 5 staff members (1 part time grant funded)
- ▶ 1 Probable Cause Hearing Officer (part time)

# Board Overview Cont'd

- ▶ Clemency Cases (pardon, reprieve, commutation)
- ▶ Parole/Home Arrest Hearings (ended on January 1, 1994 in favor of “truth in sentencing” or TIS)
  - ▶ ARS 31-412(A): general parole
  - ▶ ARS 31-412(B): parole to the next consecutive sentence
  - ▶ ARS 31-411: Home Arrest
- ▶ Revocation Hearings (parole or TIS)

## Board Overview Cont'd

- ▶ The Board's FY19 General Fund appropriation was **\$1,137,100**. The Board also receives **\$30,100** in grant funds from the Arizona Attorney General's Victims' Rights Program through the Office of Victim Services for funding of the Victim Notification Coordinator position.
- ▶ This year, the Board experienced some vacancy savings due to staff vacancies. As a result, the Board plans to return **11.5%** (\$134,224.94) of its budget back to the State General Fund.



# Caseload per month

FY	Paroles (412A)	Paroles (412B)	Absolute Discharge	Revocation (TIS)	Revocation (Parole)	Commutation (Phase 1/2)	Pardon	Reprieve	Total
'16-'17	418	(did not track)	9	2378	(did not track)	254/35	12	0	3106
'17-'18	348	208	12	2512	54	215/28	17	0	3394
'18-'19	304	175	15	2143	13	164/21	13	0	2848

# Executive Clemency

FY	Number of Pardon Hearings	Passed to Governor	Granted
'16-'17	12	2	No action
'17-'18	17	2	No action
'18-'19	13	1	No action

FY	Number of Phase I Hearings	Number Passed to Phase II	Number of Phase II Hearings	Passed to Governor	Granted
'16-'17	254	1	No data	4	No data
'17-'18	215	4	28	1	1
'18-'19	164	0	21	6	1

## General parole/absolute discharge/home arrest Parole to consecutive/absolute discharge

FY	Parole 412(A)	Granted	Parole 412(B)	Granted
'16-'17	418	7	(not tracked)	9
'17-'18	348	66	208	29
'18-'19	304	47	175	22

FY	Absolute Discharge	Granted
'16-'17	9	1
'17-'18	12	9
'18-'19	15	7

# Revocations

FY	Revocation (Parole)	Revoked	Revocation (TIS)	Revoked
'16-'17	(not tracked)	(not tracked)	2378	2247
'17-'18	20	11	2512	2400
'18-'19	9	7	2143	2116

Probable Cause Hearings

	January	February	March	April	May	June
Hearings	10	26	54	48	98	46

Options: Not in violation, Found in Violation and Reinstated, Found in Violation and Revoked

# A Note on Technical Violations

- ▶ The Board does not track technical violations versus “non” technical violations.
- ▶ However, any instance where a person has not been charged with a new crime is considered a technical violation, even if the person could have been charged.



ARIZONA DEPARTMENT OF CORRECTIONS

Conditions of Supervision and Release

Release Type
<input checked="" type="checkbox"/> CSSD
<input type="checkbox"/> ERC
<input type="checkbox"/> SED

Offenders under supervision of the Arizona Department of Corrections shall be required to agree to the Conditions of Supervision and release as follows:

1. Upon release from custody, I will contact my Supervising Officer, or Duty Officer by personal visit within one (1) working day unless otherwise directed by a special condition.
2. I will maintain contact with my Supervising Officer and follow all directives I am given, either verbal or written.
3. I will obtain approval from my Supervising Officer before changing my residence or mailing address. I will secure a written travel permit/waiver of extradition from my Supervising Officer before leaving the State of Arizona. I hereby waive extradition if I should be arrested in any other state and will not resist being returned to the State of Arizona.
4. I will seek, obtain, and maintain employment, if legally permitted to do so. I understand I will attend school, approved programs or treatment as directed by my Supervising Officer, and will participate in school or the approved programs or treatment as directed.
5. I will obey all city, county, state, federal and tribal laws. I will inform my Supervising Officer, within (1) working day, of any contact that I have had with any law enforcement agency. I will not engage in assaultive, violent, or threatening activities of any sort.
6. As no line will I own, possess, transport, use, or have under my control any electronic stun or control device, firearms, deadly or prohibited weapons, explosives or ammunition as defined in A.R.S. 13-3101.
7. I will not consume or use any form of alcohol, or any substance containing alcohol, at any time. I will not possess, use, distribute, sell, manufacture or have under my control any illegal drugs, controlled substances, narcotics, toxic vapors (as inhalants) or prescription drugs not prescribed to me by a licensed physician. I will submit blood, urine, saliva, or Breathalyzer samples when requested by any Supervising Officer.
8. I will not have any contact with any victims, I will not knowingly associate with any person engaged in criminal activity, codefendants, or anyone under the jurisdiction of ADC or Probation or in the custody of any law enforcement agency without prior authorization or permission from my Supervising Officer.
9. I will submit to a search of my person, automobile or place of residence at any time, with or without a warrant by any Community Corrections Officer or Supervisor.
10. I will not enter into any agreement to act as an informant or special agent for any law enforcement agency without the written consent of my Supervising Officer.
11. If applicable, I will pay fees, fines, and/or restitution as determined by the Board of Executive Clemency, the sentencing court or state statutes.
12. Special Conditions apply, Form #1002-SSPCL:  Yes  No
13. Special Conditions apply, Form #1002-SSD:  Yes  No
14. Special Conditions apply, Form #1002-SGPS:  Yes  No
15. If applicable, I will not remain in or return to the United States illegally if I am deported or processed through voluntary departure. Should I illegally return to the United States, I hereby waive extradition from any jurisdiction in the United States and shall not contest any effort by any jurisdiction to return me to the state of Arizona.

By signing below, I agree to comply with the above listed conditions. Failure to sign will result in my not being released at this time.

ACCUSANCE MADE AND FORWARDED TO THE SUPERVISING OFFICER AND TO THE PROBATION DEPARTMENT

# Victim Notification

## ARS § 13-4414

- ▶ (A). The victim has the right to be present and be heard at any proceeding in which postconviction release from confinement is being considered pursuant to section 31-233 (work furlough), 31-411 (commutation, absolute discharge, or parole) or 41-1604.13 (home arrest).
- ▶ Commutation Phase I hearings are paper review, victim may submit written statement.

## Victim notification

### ARS § 31-411(H)

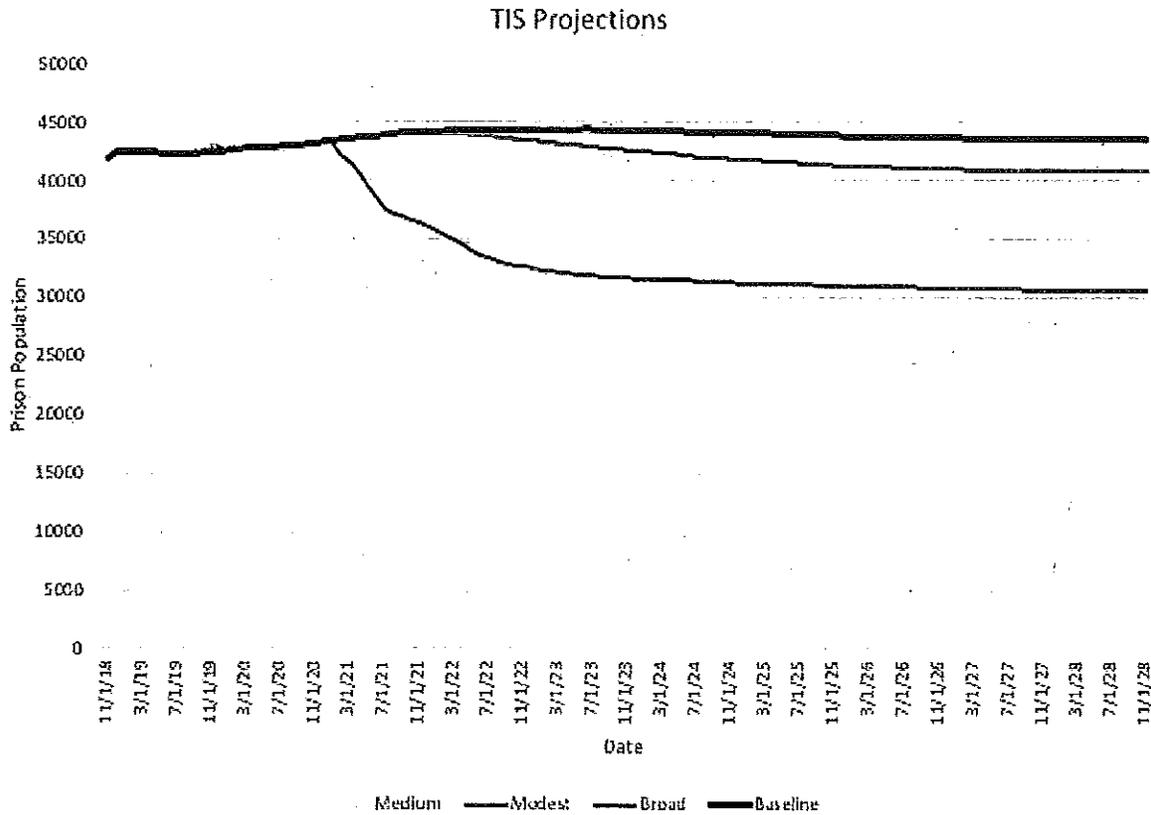
- ▶ When a commutation, absolute discharge from imprisonment or parole is to be considered, the board, on request and before holding a hearing on the commutation, absolute discharge from imprisonment or parole, shall notify ... the victim of the offense for which the prisoner is incarcerated.
- ▶ The notice to the victim shall be mailed to the last known address. The notice shall state the name of the prisoner requesting the commutation, absolute discharge from imprisonment or parole and shall set the month of hearing on the application.
- ▶ The notice to the victim shall also inform the victim of the victim's right to be present and to submit a written report to the board expressing the victim's opinion concerning the release of the prisoner.
- ▶ No hearing concerning commutations, absolute discharge from imprisonment or parole shall be held until fifteen days after the date of giving the notice.

# Personnel Related Issues

- As parole hearings decline, the work of the Board has changed over the years
- Board has one staff vacancy (requesting funding to fill that position for FY 2021)
  - Funding for a hearing officer has fluctuated (position is required by Supreme Court Case)
- One Board vacancy

### Truth-in-Sentencing Policy Options and Projections

Option	Description	Reduction in Prison Pop at end of projection (11/2028)	Projected Imprisonment Rate Rank (1 is highest imprisonment rate)
Baseline	As things are now. Everyone serves at least 85% of their sentence.		5th
Modest	Reduces TIS requirements for people convicted of "non-dangerous," non-repetitive, class 4, 5, or 6 felonies from 85% to 50%. No change to time served for people convicted of "dangerous" crimes, "repetitive" crimes, or when they are sentenced to a class 1, 2, or 3 felony.	2,802	No Change
Medium	Reduces TIS requirements for people convicted of all "non-dangerous" felonies from 85% to 50%; reduces TIS requirements for people convicted of "dangerous" felonies from 85% to 67%.	8,717	10
Broad	Reduces TIS requirements for everyone from 85% to 50%; applies change retroactively.	12,990	19



### Methodology

- All projections stem from the baseline, a prediction of the prison population if **nothing** is done. This is the black line in the graph above.
- Policy projections are created by combining several levers to reduce from the baseline:
  - Dangerous Sentence % (No change/67%/50%)
  - Non-Dangerous Sentence % (67%/50%)
  - Adjustment to Community Supervision Lengths (Y/N)
  - Retroactivity (Y/N)
  - Number of felonies (proposed only)
- To produce an accurate model of future prison population certain assumptions are made regarding time served and dangerousness:
  - The projection begins in 11/18 and ends in 11/28.
  - The projections assumes assume the policy will be implemented on 1/1/2021.
  - Policy options are measured using population reduction at the end of the projection (11/2028).
  - Ranking projections assume imprisonment rate in other states will remain steady.



fwd.us

# Arizona Truth-in- Spending Reform



## Key Takeaways

Arizona has an imprisonment crisis, partly driven by the

state's long prison **Main Point,**

Truth-in-sentencing (TIS)

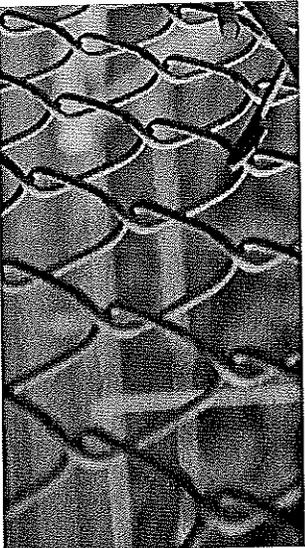
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reform can reduce imprisonment in the state, but impact varies depending on policy specifics.

# Arizona Research



Arizona's Imprisonment Crisis:

PART 1  
**THE HIGH PRICE  
OF PRISON GROWTH**



Arizona's Imprisonment Crisis:

PART 2  
**THE COST  
TO COMMUNITIES**

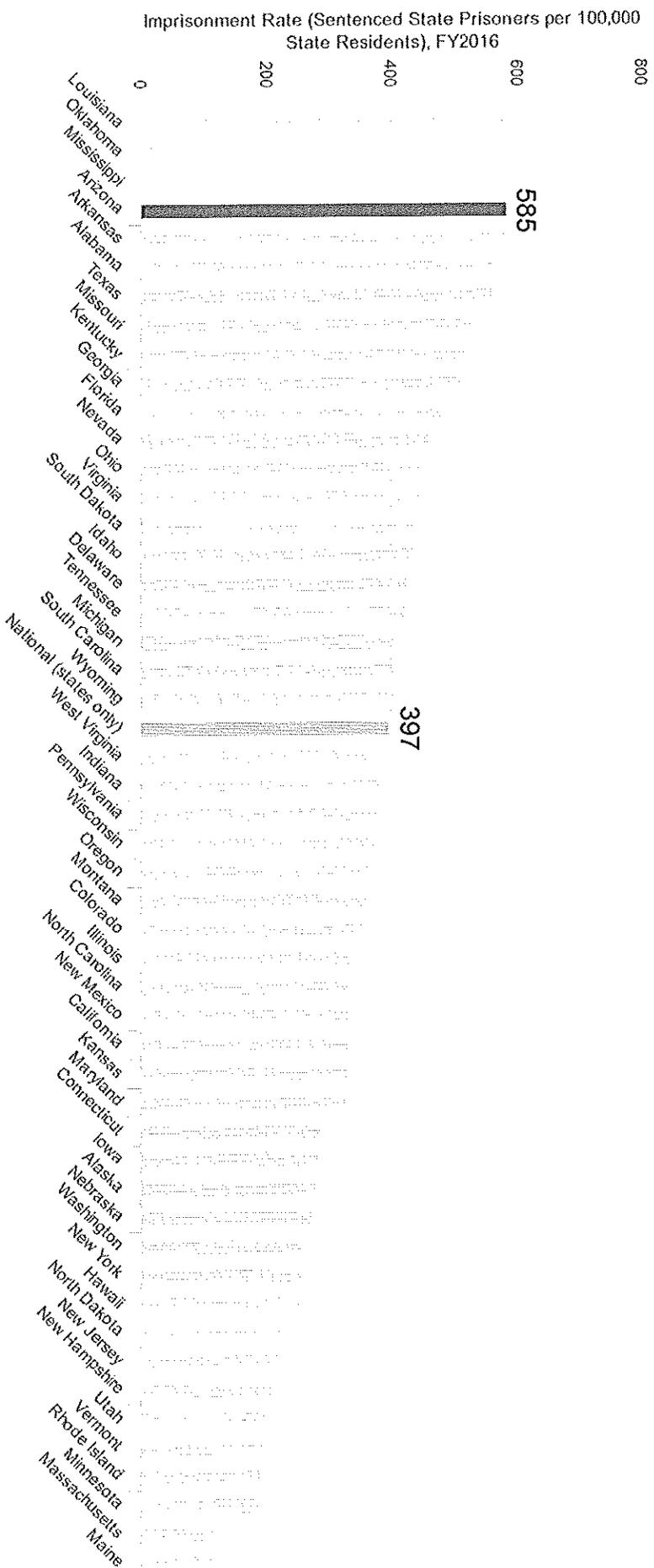


Arizona's Imprisonment Crisis:

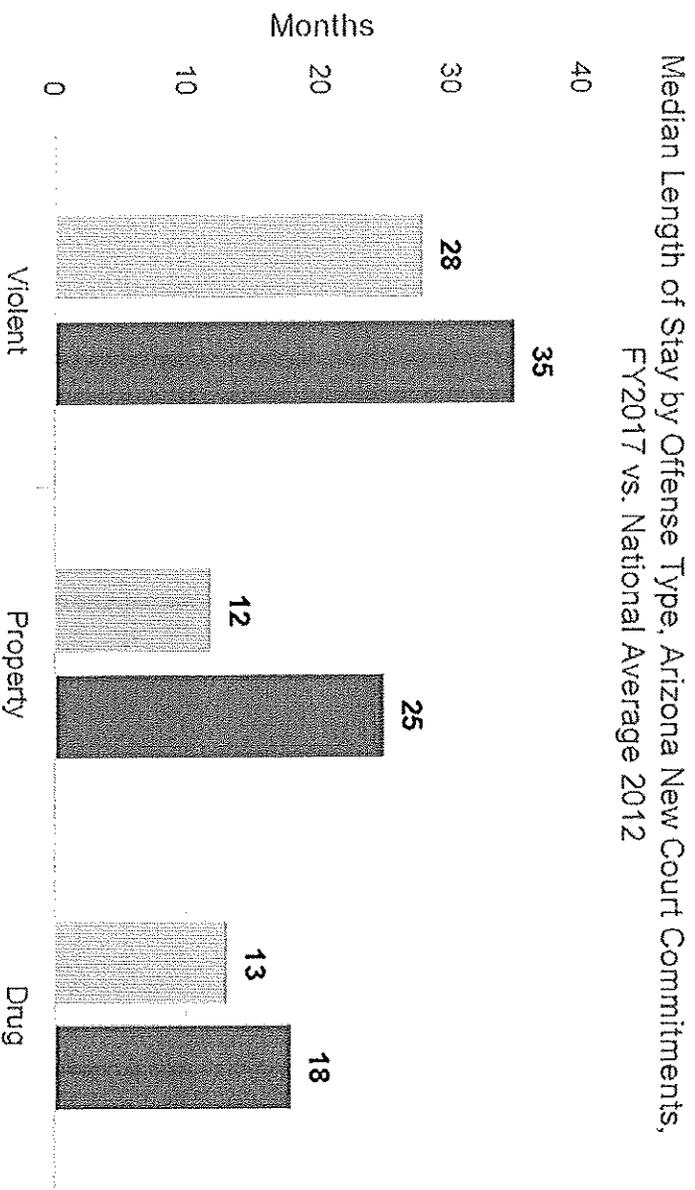
PART 3  
**THE HARM TO  
WOMEN AND FAMILIES**

# In 2016, Arizona had the fourth highest imprisonment rate in the United States.

State Imprisonment Rates (Sentenced State Prisoners per 100,000 State Residents), FY2016



# People stay in prison in Arizona significantly longer than in other states, particularly for property crimes.



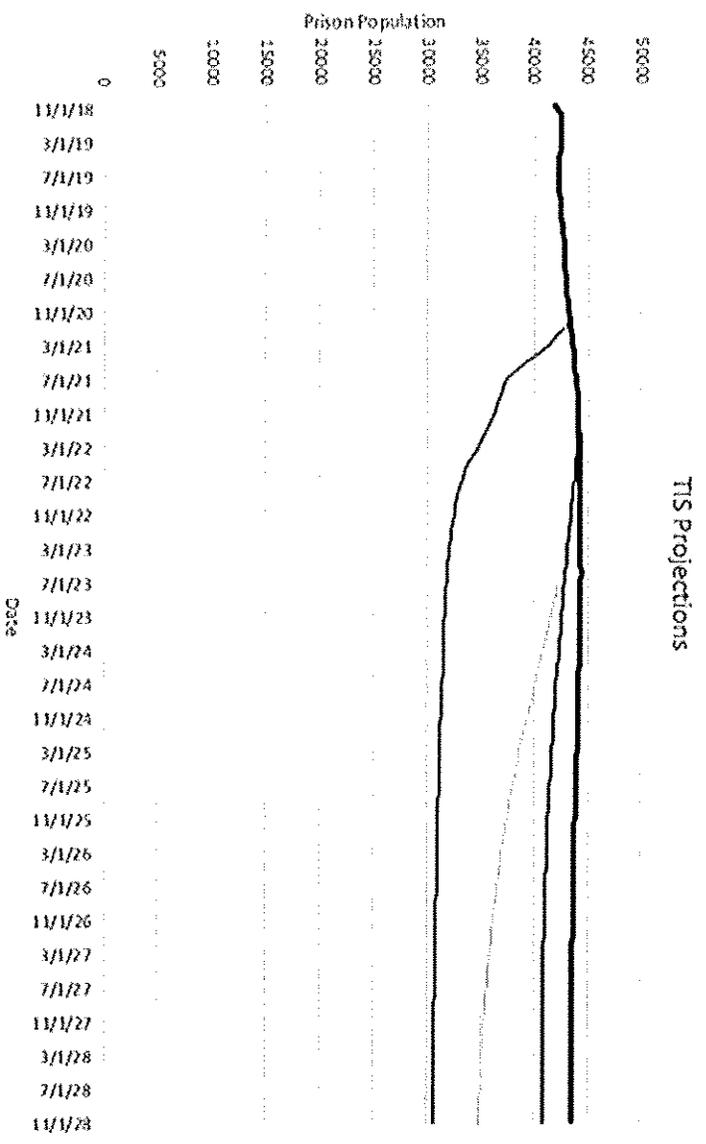
## **Arizona's TIS requirements are an outlier among neighbors.**

- **Arizona:** Requires all individuals to serve at least 85 percent of their sentence; some sentences may be eligible for a reduction of 15 percent for good behavior.
- **Texas:** Allows certain individuals to reduce their sentence through parole and/or credits for good behavior, participating in programming. A study of time served found that felony cases (excluding those in state jails) **served an average of 60 percent** of their prison sentence.
- **New Mexico:** Allows certain individuals to reduce their sentence through parole and/or credits for participating in programming. A recent study of time served found that felony cases **served an average of 63 percent** of their prison sentence.
- **Colorado:** Allows certain individuals to reduce their sentence through parole and/or credits for good behavior or participating in programming. A study of time served found that felony cases **served an average of 59 percent** of their prison sentence.

## Projecting the impact of TIS reform

- **Projections are useful for comparing the effectiveness of various TIS reforms against each other.**
- All projections stem from the baseline, a prediction of the prison population if **nothing** is done. FWD.us uses that model to predict the impact of TIS reform over the next 10 years (11/18 to 11/28).
  - Based on past DOC data going back to the 1980s.
  - When confronted with uncertainty, **FWD.us uses conservative estimates.**
- Projections are **not** a perfect indicator of the future.
  - This model cannot predict other criminal justice reforms, changes in behavior from system actors, and implementation problems.
- The end result can be measured a number of ways. For this presentation we are comparing the prison population reduction **at the end** of the 10 year projection (11/2028), not the total reduction over the 10 year period.

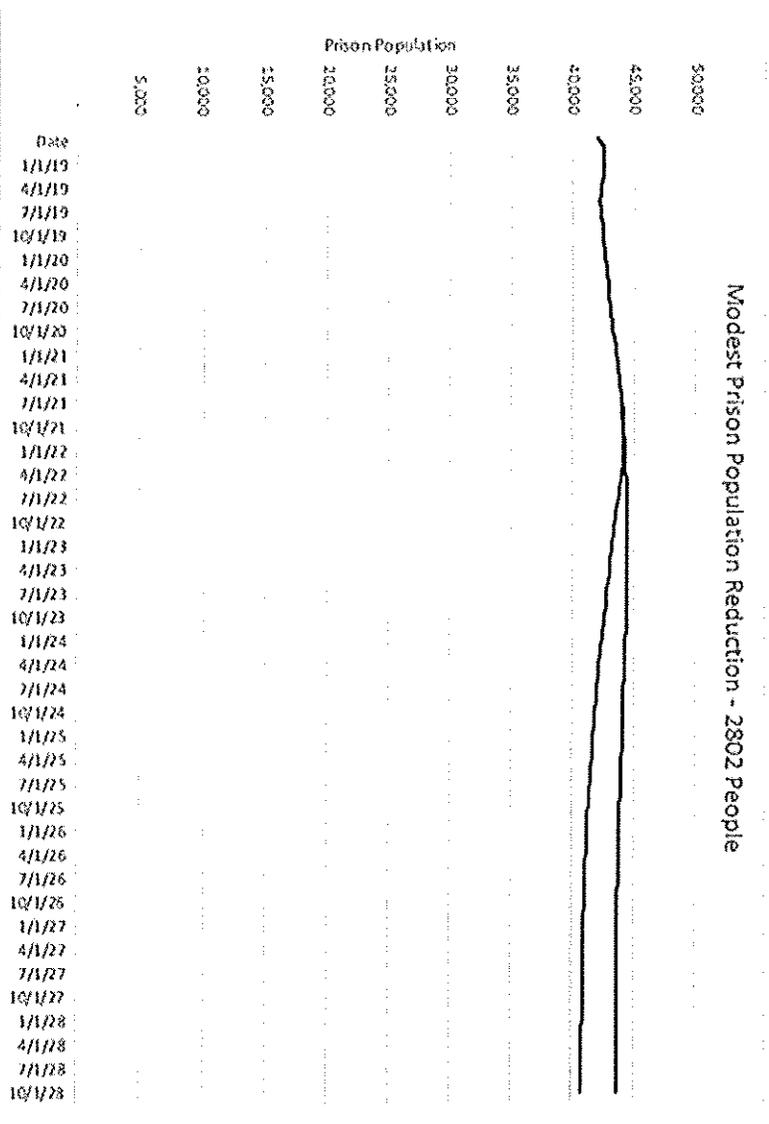
# Arizona prison population projections with TIS reform



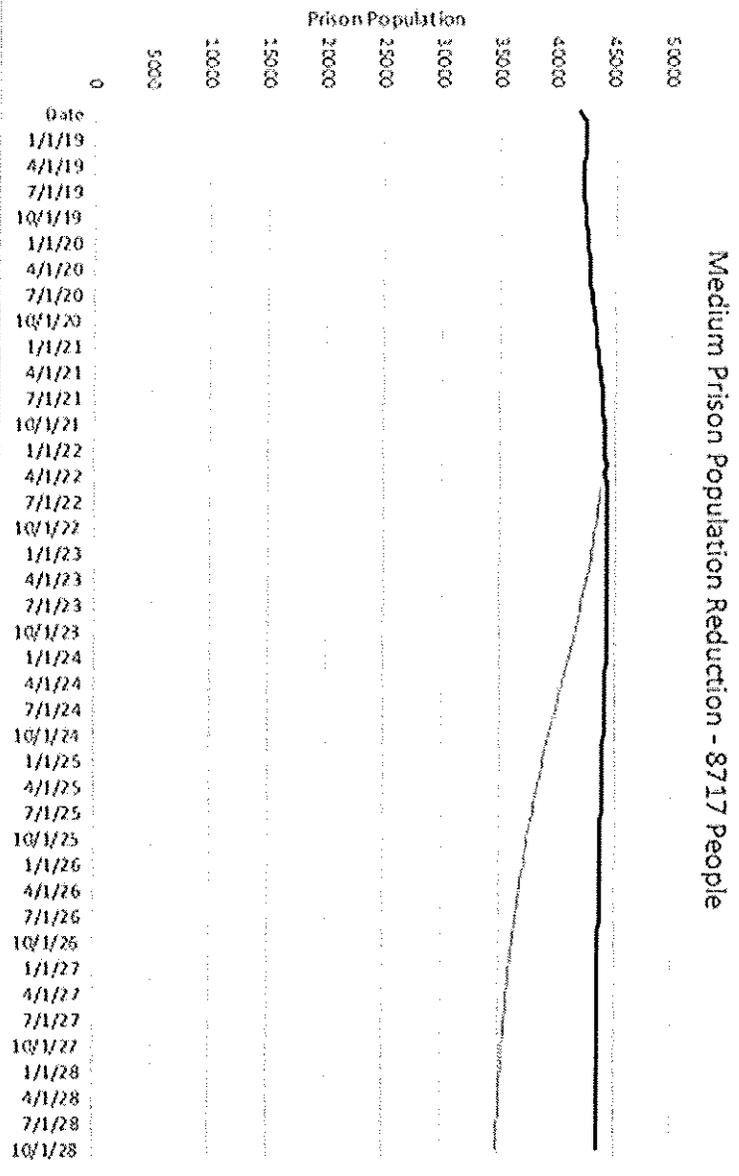
## Example TIS reforms

Option	Description	Reduction at end of 10 years
Modest	Reduces TIS requirements for people convicted of “non-dangerous,” non-repetitive, class 4, 5, or 6 felonies from 85% to 50%. No change to time served for people convicted of “dangerous” crimes, “repetitive” crimes, or when they are sentenced to a class 1, 2, or 3 felony.	2,802
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Broad	Reduces TIS requirements for everyone from 85% to 50%; applies change retroactively.	12,990

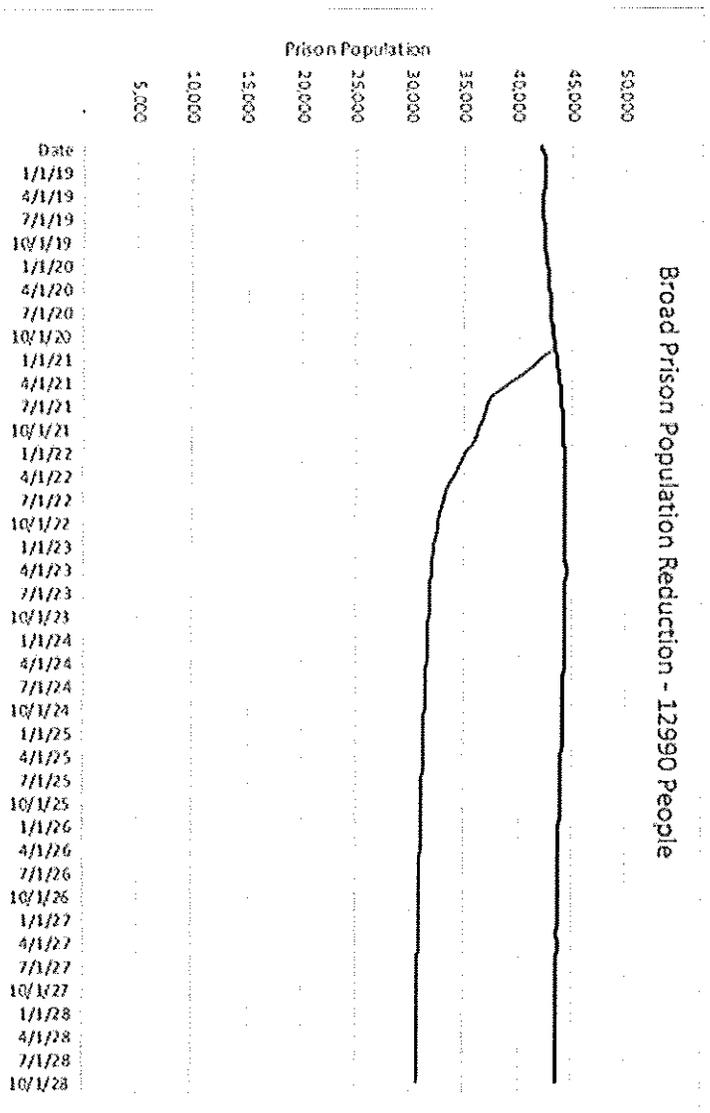
# Modest TIS reform reduces the prison population by 2,802 people.



# Medium TIS reform reduces the prison population by 8,717 people.



# Broad TIS reform decreases the prison population by 12,990 people.



**Questions?**